



26 AUG 2009

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In re Application of	:
IKEDA et al.	:DECISION ON PETITION
Serial No.: 10/572,983	:
PCT No.: PCT/JP04/15337	:UNDER 37 CFR 1.181
Int. Filing Date: 12 October 2004	:
Priority Date: 10 October 2003	:
Attorney's Docket No.: P36313-02	:
For: PLAYBACK APPARATUS PROGRAM AND	:
PLAYBACK METHOD	:

This decision is in response to applicant's "Petition to Withdraw Abandonment Under 37 CFR 1.181", filed 30 June 2009 in the United States Patent and Trademark Office (USPTO) in the above-captioned application.

### **BACKGROUND**

On 12 October 2004, applicant filed the U.S. national stage application for international application PCT/JP04/15337, under 35 U.S.C. 371. These papers were assigned U.S. serial number 10/572,983.

On 28 August 2006, a Notification of Missing Requirements, was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), was required.

On 18 September 2006, a response to the Notification of Missing Requirements was filed in the USPTO.

On 26 June 2009, a Notification of Abandonment was mailed to applicant indicating that applicant failed to respond to the Notification of Missing Requirements.

On 30 June 2009, applicant filed the instant petition, accompanied by a copy of the declaration and the itemized postcard receipt with USPTO date-stamped 18 September 2006, indicating receipt of a declaration.

### DISCUSSION

Applicant requests withdrawal of the holding of abandonment, indicating that the submission of the declaration was mailed on 18 September 2006.

A review of the application file reveals that in response to the Notification of Missing Requirements, an executed declaration was deposited with the USPTO on 18 September 2006. A review of the USPTO finance records reveals that the \$130 surcharge for filing the declaration after the thirty month period was paid on 18 September 2006. Therefore, the 26 June 2009 Notification of Abandonment is hereby vacated.

A review of the declaration reveals that the declaration identifies and is executed by each inventor, and states the residency, citizenship and mailing address of each inventor. Thus, the declaration is acceptable and the requirements of 37 CFR 1.497(a) and (b).

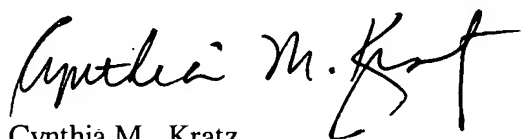
### CONCLUSION

Applicant's petition under 37 CFR 1.181 is **DISMISSED AS MOOT**.

The 26 June 2009 Notification of Abandonment is hereby **VACATED**.

The copy of the declaration originally submitted on 18 September 2006 is acceptable and meets the requirements of 37 CFR 1.497(a) and (b). The surcharge of \$130 was paid.

The application will be forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **18 September 2006**.



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